

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SYDNEY SCALES,

Defendant.

-----X
:
:
: 19-cr-96 (JSR)
:
: ORDER
:
:
:
:
-----X

JED S. RAKOFF, U.S.D.J.:

Sydney Scales was convicted by a jury of distribution of and conspiracy to distribute narcotics, conspiracy to commit murder for hire, and using a firearm during a drug offense, for which he is currently serving a 324-month term of imprisonment. ECF No. 259. The Second Circuit has affirmed Scales's conviction and sentence. ECF No. 288. On May 15, 2024, Scales sent a letter to the Court stating that, in March 2024, his trial counsel informed him "that the government had recently turned over documents to her that would have seriously impeached the government's case." Scales thus requested that the Court direct his trial counsel "to send the aforementioned documents to [him] immediately."

The following week, the Court convened a telephone conference with the Government and Scales's trial counsel, Justine Harris. The Government explained that it had provided certain information to Harris on an attorney-eyes-only basis because of witness safety concerns. The Government provided further details to the Court in

an ex parte letter sent on June 3, 2024. Based on the contents of the Government's June 3, 2024 letter, the Court agrees with the Government that sharing the requested documents with Scales, even in redacted form, may compromise witness safety. Accordingly, Scales's request for such documents is hereby denied.

That said, to balance Scales's interest in learning information about his case with the Government's interest in protecting witnesses, the Court adopts the Government's suggestion of a more limited disclosure of information to Scales, as follows: "A trial witness testified about a third party ('Individual-1') being present during a particular event involving Scales and a firearm. When interviewed in January 2024, Individual-1 informed the Government that Individual-1 had no recollection of such an event or of ever seeing Scales possess a firearm."

SO ORDERED.

Dated: New York, NY
June 6, 2024


JED S. RAKOFF, U.S.D.J.